IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

FIDELITY INVESTMENTS LIFE INSURANCE COMPANY))
Plaintiff,)
vs.)) No. 09 cv 02704) Judge Der-Yeghiayan))
DENISE SQUIRE, THE ESTATE OF JUSTIN M. NEWMAN, by and through his mother, DONNA FIORITO, on her own behalf and as administrator of his estate, FRANK TESTA, III, SHANA MAJMUDAR, and JOE VACCARO	
Defendants.))

SHANA MAJMUDAR'S MOTION FOR SUMMARY JUDGMENT

Shana Majmudar ("Shana"), by her undersigned attorneys and pursuant to Federal Rule of Civil Procedure 56, moves for summary judgment as to Count III of the First Amended Complaint for Declaratory Relief under 28 USC 2201 and Interpleader filed by Plaintiff Fidelity Investments Life Insurance Company ("FILI") and as to Count I of Shana's Counterclaim against FILI for breach of contract, on the ground that there is no genuine issue of material fact and Shana is entitled to summary judgment as a matter of law that primary beneficiary Denise Squire is disqualified as a beneficiary and that Shana, as the secondary beneficiary, is entitled to receive \$4 million of the proceeds of FILI Policy No. TL000-5560, as set forth more fully in Shana's Memorandum in Support of Her Motion for Summary Judgment and Rule 56.1 Statement of Undisputed Material Facts, which are filed simultaneously herewith and incorporated herein by reference.

WHEREFORE, Shana Majmudar prays that this Court grant her motion for summary judgment as to Count III of the First Amended Complaint of FILI, and as to Count I of her

Counterclaim against FILI, declaring that Denise Squire is disqualified as the primary beneficiary under Policy No. TL000-5560 and that Ms. Majmudar is entitled to receive \$4 million of the \$5 million policy proceeds, ordering FILI to pay Shana Majmudar \$4 million of the proceed of FILI policy No. TL000-5560, plus pre-and post-judgment interest thereon and ordering such other and further relief as the Court deems just.

Dated: October 20, 2010

Respectfully submitted,

SHANA MAJMUDAR

By:

/s/Cary E. Donham

One of Her Attorneys

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